



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, June 10, 2015

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Stuart Fleming, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20150203 Citizens' Police Academy Graduation

The Marietta Citizens' Police Academy recognizes the following graduates

Jody Allen	Lisa Guerra
Richard Allen	Desiree' Hodge
Christina Bailey	Gay Hodkinson
Unicka Brown	Barry Holland
Jenni Busbee	Rebecca Kirk
Karen Carter	Angela Lewis
Campbell Dasher	Gerri Lumsden
Clint Ferebee	Ken Meslo

20150490 Georgia Association of Chiefs of Police recognizes Marietta Police Department

Mark Bender with the Georgia Association of Chiefs of Police (GACP) will present a plaque to Marietta Police Chief Daniel Flynn recognizing the MPD's recertification (GA State Certification) from the GACP. The Marietta Police Department is both State Certified and Nationally Accredited. In addition, the GACP will present a Certificate of Appreciation plaque to Marietta Police Lieutenant Steve Campisi.

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:**

Each speaker is allotted five (5) minutes.

20150454 Lucky Draw Tattoo - 11 Atlanta Street, Ward 5

Mr. Phillip Duke is appearing to request the placement of a table on the City's sidewalk in front of Lucky Draw Tattoo.

20150545 Ms. Cindy Little, 77 Harold Street, NE Ward 5

Ms. Little wishes to address council relative to flooding problems in her neighborhood.

20150551 Mr. Steve Imler, 599 Church Street, Ward 4

Wishes to address council about tourism grants.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20150516 Regular Minutes - May 13, 2015**

Review and approval of the May 13, 2015 regular meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**20150537 Marietta Housing Authority Appointment**

Appointment of Chervonta "Taye" Pugh to the Marietta Housing Authority Board for a one-year term expiring May 31, 2016.

20150538 Marietta Housing Authority Appointment

Appointment of Mitch Hunter to the Marietta Housing Authority Board for a five (5) year term expiring May 31, 2020.

CITY COUNCIL APPOINTMENTS:**20150571 Board of Lights and Water (BLW)**

Reappointment of Alice Summerour to the Board of Lights and Water (Non-Resident Member), for a 4-year term expiring July 14, 2019.

ORDINANCES:*** 20150107 Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS**

Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS requests rezoning for property located in Land Lot 12320, District 16, Parcel 0760, 2nd Section, Marietta, Cobb County, Georgia and being known as 233 Waterman Street from PRD-MF (Planned Residential Development - Multi Family) to MXD (Mixed Use Development). Ward 1.

The Planning Commission recommends approval:

Vote: 6-1-0

Motion: Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with the following stipulations:

- 1. Written approval by the Marietta Fire Department*
- 2. Approval from GIS for the new addresses*
- 3. Subject to existing site plans being modified.*

Ms. McCrae opposed.

PUBLIC HEARING (All parties are sworn in)

This item was tabled at the March 11th and May 13th City Council Meetings.

*** 20150430 Revision to the Detailed Plan for Meeting Park - 233 Waterman Street**

Motion to revise the detailed plan for Meeting Park to specifically incorporate the attached zoning plan, dated January 16, 2015, for 233 Waterman Street. All other previously approved stipulations to zoning and detailed plans for Meeting Park, including site plans, landscape plans, and architectural elevations, shall also apply to 233 Waterman Street.

This item was tabled at the May 13, 2015 City Council Meeting

* **20150382 Z2015-16 [REZONING] SONDRRA ROWAN (SUSAN RAPER)**

Z2015-16 [REZONING] SONDRRA ROWAN (SUSAN RAPER) requesting rezoning for property located in Land Lot 1146, District 16, Parcel 0370, 2nd Section, Marietta, Cobb County, Georgia and being known as 319 Church Street from RM-8 (Multi Family Residential - 8 units / acre) to R-4 (Single Family Residential - 4 units/ acre). Ward 4

The Planning Commission Recommends item be Tabled Vote: 6-0-0

Motion: Mr. Diffley made a motion, seconded by Mr. Poor to recommend to be tabled until further legal clarity is obtained.

PUBLIC HEARING (All parties sworn in.)

City Council made a motion to table this item.

* **20150383 Z2015-17 [REZONING] SANSEA PROPERTIES, LLC**

Z2015-17 [REZONING] SANSEA PROPERTIES, LLC requesting rezoning for property located in Land Lot 1153, District 16, Parcel 0620, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 257 Mountain View Ridge Road from R-4 (Single Family Residential - 4 units/acre) to R-2 (Single Family Residential - 2 units/acre. Ward 4.

The Planning Commission recommends approval: Vote: 5-0-1

Motion: Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval as submitted. Mr. Rosenbury abstained.

PUBLIC HEARING (All parties sworn in.)

* **20150384 Z2015-18 [REZONING] JW HOMES LLC (MARIETTA HOUSING AUTHORITY)**

Z2015-18 [REZONING] JW HOMES LLC (MARIETTA HOUSING AUTHORITY) requesting rezoning for properties located in Land Lots 1161 and 1216, District 16, Parcels 0950, 0010, and 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 306 & 321 Lemon Street and 345 Fort Street PRD-MF (Planned Residential Development - Multi Family) to PRD-SF (Planned Residential Development - Single Family). Ward 5.

The Planning Commission recommends approval: *Vote: 6-0-0*

Motion: Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval of rezoning request with the following two (2) conditions:

- 1. In the Detailed Plan Review Comments from Shelby Little, dated June 2, 2015, only approve Variance #2 and Variance #10.*
- 2. All items in the Memo from Keith Person, Marietta Fire Department, dated June 1, 2015 need to be resolved.*

PUBLIC HEARING (All parties sworn in.)

20150562 Detailed Plan for Fort Hill

Motion to approve the detailed plan for Fort Hill, attached and dated June 10, 2015, and including all variances and stipulations addressed in rezoning Z2015-18 (#20150384).

* **20150386 Z2015-20 [REZONING] RANDY WOMACK**

Z2015-20 [REZONING] RANDY WOMACK requesting rezoning for property located in Land Lots 1000, 1001, 1016 and 1017, District 16, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 915 Cobb Parkway North from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 5.

The Planning Commission recommends approval: *Vote: 6-0-0*

Motion: Mr. Poor made a motion, seconded by Mr. Vanderslice to recommend approval as submitted.

PUBLIC HEARING (All parties sworn in.)

- * **20150240** **CA2015-04 [CODE AMENDMENT] Proposed Amendments to the zoning ordinance regarding Section 712.07, Telecommunications Towers and Infrastructure.**
Motion to amend the Zoning Ordinance regarding Telecommunications Towers and Infrastructure.

The Planning Commission recommends approval: Vote: 6-0-0

Motion: Mr. Vanderslice made a motion, seconded by Mr. Rosenbury to recommend approval as submitted with minor changes discussed in the work session.

PUBLIC HEARING (All parties sworn in.)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

- * **20150488** **Denial of Claim**

Denial of the claim of the Georgia Department of Transportation (GDOT).

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

- 1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**
- 2. Finance/Investment: Stuart Fleming, Chairperson**

- * **20150460** **Adoption of Recommended Budget for FY2016**

Approval of an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

- * **20150474** **Resolution of support of Dobbins Air Reserve Base**

Approval of a resolution in support of the Dobbins Air Reserve Base.

* **20150393 Expansion of the Gateway Marietta CID**

Approval of a resolution consenting to the expansion of the “Gateway Marietta Community Improvement District.”

* **20150455 Preliminary Plat for the Estates at Parkside**

Motion to approve the Preliminary Plat for Estates at Parkside (1651 Gilbert Road) located in Land Lot 02510, District 20, 2nd Section, Marietta, Cobb County, Georgia.

The purpose of a preliminary plat, in accordance with Section 728.04 of the Marietta City Code, is to give conditional approval of the subdivision layout, but does not constitute approval of the final plat. The final plat for this development will be submitted at a later date for approval by the Mayor and Council upon completion of all required improvements, including but not limited to, roadways, water distribution lines, sanitary sewer lines, storm drainage facilities, and other required improvements, as shown on the attached plans.

* **20150457 Walnut Grove**

Motion to revise the letter of stipulations that were attached to that zoning approval for the property located at Walnut Grove Subdivision (#20050391) on May 11, 2005, from John H. Moore, Moore, Ingram, Johnson & Steele, (ordinance attached) so as to revise the following stipulation to read:

16. Further, access to at least nine of the residences shall be accomplished by alley ways to the side or rear of same.

All other stipulations shall remain in effect.

* **20150346 Meeting Park Detailed Plan - Revision to sidewalk along east side of Waddell Street**

Motion to approve an amendment to the detailed plan for Meeting Park which would eliminate the new 5’ beauty strip between the curb and the 4’ sidewalk to allow the existing 4’ sidewalk remain at the back of curb along lots 1, 8-12 along the eastern side of Waddell Street. The required street trees along Waddell Street would be relocated to behind the sidewalk and maintained by the Meeting Park Homeowner’s Association.

All other conditions approved with previous detailed plans shall remain in effect.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson*** 20150506 FY2016 Tourism Grants - Existing Organizations**

Motion to approve the grant amounts presented for each tourism organization listed under existing organization:

Atlanta Lyric Theatre - \$20,000
Cobb Landmarks and Historical Society - \$3,000
Earl Smith Strand Theatre - \$40,000
Friends of Brown Park - \$8,000
Friends of Brumby Hall - \$2,547
The Georgia Ballet - \$0
Georgia Symphony Orchestra - \$15,000
Marietta/Cobb Museum of Art - \$60,000
Gone with the Wind Museum - \$40,222
Zion Baptist Church - \$4,500

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

Mayor Tumlin currently serves as a director of the Marietta Welcome Center and Visitors Bureau. He has served as a director, but is currently not serving, of the following organizations being considered for sponsorships: Marietta-Cobb Museum of Art; Marietta Museum of History, Inc.; and Friends of the Strand, Inc. Additionally, Mayor Tumlin has provided legal services to Friends of the Strand, Inc. and accounting services to Marietta Museum of History, Inc. Mayor Tumlin has been/is a Member of Brumby Hall, Inc. and Cobb Landmarks & Historical Society.

Council member Walker serves on the Friends of Brumby Hall Board.

Council Member Philip Goldstein Abstaining

* **20150507 FY2016 Tourism Grants - New Requests**

Motion to approve the grant amounts presented for each tourism organization listed under new requests:

The Branding Project - \$43,000
Marietta Fire Museum - \$38,000

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

* **20150508 FY2016 Tourism Grants - Additional Requests**

Motion to approve the grant amounts presented for each tourism organization listed under additional requests:

Symphony on the Square - \$3,000

* **20150509 FY2016 Tourism Grants - Hotel/Motel Tax**

Motion to approve the grant amounts presented for each tourism organization listed under Hotel/Motel Tax (8% tax):

Marietta Welcome Center - \$207,375

Lease of 18 Whitlock Ave - \$38,558

Mayor Tumlin currently serves as a director of the Marietta Welcome Center and Visitors Bureau. He has served as a director, but is currently not serving, of the following organizations being considered for sponsorships: Marietta-Cobb Museum of Art; Marietta Museum of History, Inc.; and Friends of the Strand, Inc. Additionally, Mayor Tumlin has provided legal services to Friends of the Strand, Inc. and accounting services to Marietta Museum of History, Inc. Mayor Tumlin has been/is a Member of Brumby Hall, Inc. and Cobb Landmarks & Historical Society.

* **20150510 FY2016 Tourism Grant - Marietta Museum of History**

Motion to approve the grant amount of \$128,697 for the Marietta Museum of History.

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

Mayor Tumlin currently serves as a director of the Marietta Welcome Center and Visitors Bureau. He has served as a director, but is currently not serving, of the following organizations being considered for sponsorships: Marietta-Cobb Museum of Art; Marietta Museum of History, Inc.; and Friends of the Strand, Inc. Additionally, Mayor Tumlin has provided legal services to Friends of the Strand, Inc. and accounting services to Marietta Museum of History, Inc. Mayor Tumlin has been/is a Member of Brumby Hall, Inc. and Cobb Landmarks & Historical Society.

* **20150473 Welcome Center Contract**

Motion to approve the Welcome Center contract and tourism funding.

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

Mayor Tumlin currently serves as a director of the Marietta Welcome Center and Visitors Bureau. He has served as a director, but is currently not serving, of the following organizations being considered for sponsorships: Marietta-Cobb Museum of Art; Marietta Museum of History, Inc.; and Friends of the Strand, Inc. Additionally, Mayor Tumlin has provided legal services to Friends of the Strand, Inc. and accounting services to Marietta Museum of History, Inc. Mayor Tumlin has been/is a Member of Brumby Hall, Inc. and Cobb Landmarks & Historical Society.

Council member Walker serves on the Friends of Brumby Hall Board.

Council Member Philip Goldstein Abstaining

* **20150469 Elizabeth Porter Recreation Center Operations**

Motion authorizing the Elizabeth Porter Recreation Center to remain open until the opening of Marietta City Schools in August 2015.

* **20150534 Amendment to the City Fee Chart**

Approval of a resolution to amend the City Fee Chart to add a \$500 application fee for road races.

* **20150535 Parades and Demonstrations**

Approval of an ordinance amending Part 9-8 of the Code of Marietta, regarding permit fees and to add an alternate route to the preapproved list of routes provided by the police department.

* **20150351 Custer Park Recreation Center Final Fitness and Gym Open Play Pricing**

Motion to approve the Custer Park Recreation Center final pricing for fitness and gym open play. This was presented to Council as a revised option #1.

5. Personnel/Insurance: Johnny Walker, Chairperson

* **20150449 FY 2016 Revisions to City/BLW Pay and Classification System documents**

Approval of an ordinance adopting the City of Marietta and Board of Lights and Water Position Allocations Chart and the Position Classification and Compensation Plans for the period of July 1, 2015 to June 30, 2016.

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20150451 Waterman Street Utility Variance Request**

Motion authorizing a variance from the Underground Utility Ordinance, allowing the relocation of two utility poles and attached aerial utilities on the south side of Waterman Street between Doran Avenue and Jackson Circle.

* **20150453 Cobb County Comprehensive Transportation Plan (CTP)**

Motion adopting Marietta's portion of the Cobb County Comprehensive Transportation Plan (CTP) 2040 Update.

* **20150467 Newmarket Parkway**

Motion authorizing a request by The Home Depot for the installation of a four way stop at Newmarket Parkway, and the installation of three speed tables to be used as pedestrian crossings. All improvements to be funded by The Home Depot.

Council Member Philip Goldstein Voting Against

8. OTHER BUSINESS:

20150387 V2015-23 [VARIANCE] PARADISE GROUP MARIETTA, LLC (SWIFT LAND COMPANY)

V2015-23 [VARIANCE] PARADISE GROUP MARIETTA, LLC (SWIFT LAND COMPANY) requesting variances for property located in Land Lots 577 and 578, District 17, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia and being known as 455 Franklin Road. Variance to waive requirement that a billboard shall be regulated as a principal use and required to meet all dimensional standards of the applicable zoning district; variance to allow a billboard to be located within a 1,000 foot radius of another general advertising sign or off-premise sign; variance to waive the requirement that billboards shall meet all other zoning district regulations, including setbacks and lot widths; variance to waive the requirement that support structures shall meet the setback requirements, however sign faces may extend 25% into any required setback; variance to waive the regulation that no billboard shall be located or erected on a lot upon which a building is located if such lot or the building has any sign located thereon; variance to waive the regulation prohibiting billboards from being located on a property that has an existing sign. Ward 7.

*** 20150553 FY16 Hotel/Motel and Car Rental Tax Revenue and Distributions**

Motion to appropriate a supplemental \$100,000 allocation of 3% auto tourism funds for FY16 which tourism groups may apply for in September 2015, and \$180,000 in the FY16 tourism budget for capital projects.

*** 20150511 Chestnut Hill Driver Speed Feedback Sign**

Motion authorizing the installation of one driver speed feedback sign on Chestnut Hill Road at the entrance to Charlton Forge Subdivision.

*** 20150512 Burnt Hickory at Hardage Farm Subdivision Driver Speed Feedback Sign**

Motion authorizing the installation of one driver speed feedback sign on Burnt Hickory Road at Hardage Farm Subdivision.

20150230 Permanent Easements at 692, 704, 710, and 720 Powder Springs Street

Motion authorizing exchange of permanent landscape easements along 692, 704, 710, and 720 Powder Springs Street with QuikTrip Corporation and Oakwood Ventures I, II, III, IV, V, LLC in exchange for an equal or greater amount of permanent landscape easements along the same properties. QuikTrip Corporation and Oakwood Ventures I, II, III, IV, V, LLC shall be responsible for reconstructing sidewalk, landscaping, lighting, and all other features in the adjacent right of way and easements consistent with improvements constructed by the City of Marietta, to be approved by the Public Works Director.

20150567 167 Hedges Street

Motion authorizing acquisition of the property at 167 Hedges Street from the Bozeman's for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387 W. Atlanta Avenue in exchange for \$1,391.97.

*** 20150563 Gunter Street and Beavers Street Right of Way**

Motion authorizing advertising for a public hearing regarding the abandonment, rezoning and exchange of a portion of Gunter Street and Beavers Street right of way.

Council Member Andy Morris Opposed

20150565 Boston Homes

Motion to revise the letter of stipulations that were attached to the zoning approval for the property known as Boston Homes, and located at 53, 75, 76, & 83 Beavers Street; 57 Gunter Street, 98, 110, & 114 Howard Street; and 829, 891, & 895 Washington Avenue, that received zoning approval on March 11, 2015 (ordinance attached), so as to revise the following stipulation to read:

7. The abandonment and rezoning of the Beavers Street and Gunter Street (near Washington Avenue) right of way will have to be completed prior to the issuance of building permits for the project. However, the issuance of the land disturbance permit - after all required plan review is completed - will not be delayed by this stipulation.

*** 20150550 Lewis Park Restroom**

Motion to approve Lewis Park Restroom option number two.

* **20150569 Lewis Park Restroom**

Motion approving additional expenditures not to exceed \$15,000 from the 2009 Parks Bond, specifically Category B - Lewis Park, for installation of the Lewis Park restroom in the revised location known as Option 2.

20150572 MEAG Meetings - City Council Travel and Training

A Motion approving travel and training expenses for any council member that would like to attend the MEAG Annual Meeting held on July 13-15, 2015 and the MEAG Power Mayor's Summit, held on November 13-15, 2015.

* **20150517 BLW Actions of the June 8, 2015**

Review and approval of the June 8, 2015 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: